

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC. *et al.*,

Defendants.

No. 2:23-cv-0932-JHC

DECLARATION OF JOSEPH A.
REITER IN SUPPORT OF
DEFENDANTS' MOTION TO
COMPEL RULE 30(b)(6)
DEPOSITION REGARDING THE
FTC'S OFFICIAL, PUBLIC
STATEMENTS ABOUT ROSCA

I, Joseph A. Reiter, declare as follows:

1. I am a partner at the law firm Hueston Hennigan LLP, counsel for Defendants Amazon.com, Inc.; Neil Lindsay; Russell Grandinetti; and Jamil Ghani in the above-captioned case. To the best of my knowledge, the matters set forth herein are true and correct and, if called as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Defendants' Motion to Compel Rule 30(b)(6) Deposition from the FTC and in accordance with the Western District of Washington's Local Civil Rule 37(a)(1). The parties have met and conferred in good faith, and have exchanged multiple letters, to attempt to resolve the discovery disputes raised in Defendants' Motion to Compel Rule 30(b)(6) Deposition (the "Motion").

3. On July 19, 2024, the FTC sent to Defendants a letter via email raising objections to Defendants' Rule 30(b)(6) deposition notice. **Exhibit 1** contains a true and accurate copy of the FTC's July 19, 2024 letter.

4. On October 30, 2024, Defendants sent the FTC a letter via email regarding Defendants' Rule 30(b)(6) deposition notice and responding to the FTC's objections. **Exhibit 2** contains a true and accurate copy of Defendants' October 30, 2024 letter.

5. On November 12, 2024, the FTC emailed Defendants a letter response in which it maintained its positions from its July 19, 2024 letter. **Exhibit 3** contains a true and accurate copy of the FTC's November 12, 2024 letter.

6. The parties held a further telephonic meet and confer on December 5, 2024, in a good faith effort to resolve their dispute but were unable to reach agreement, thus Defendants communicated that they would file this motion. The participants in that conferral were Evan Mendelson, Olivia Jerjian, Sana Chaudhry, and Johana Mejia-Portillo for the FTC, and myself, Karen Ding, Laura Flahive Wu, Marc Capuano, Daniel Lee, Daniel Bernick, Haley Johnson, and Jim Howard for Defendants.

7. **Exhibit 4** contains a true and accurate excerpted copy of the FTC's Responses and Objections to Amazon's First Set of Requests for Admissions, dated May 23, 2024. Exhibit 4 is excerpted to include the FTC's responses to Amazon's Request for Admission No. 17, which is the only information in that document that is relevant to this Motion, and the FTC's signature date.

8. **Exhibit 5** contains a true and accurate copy of the FTC Final Negative Option Rule ("Final Rule") published in October 2024 and available at: https://www.ftc.gov/system/files/ftc_gov/pdf/p064202_negative_option_rule.pdf. This link was last accessed on December 11, 2024.

9. **Exhibit 6** contains a true and accurate copy of Administrative Law Judge Carol Foelak's April 12, 2024 Recommended Decision regarding the Final Rule, available at:

1 <https://www.iab.com/wp-content/uploads/2024/04/P064202-Recommended-Decision.pdf>. This
2 link was last accessed on December 11, 2024.

3 10. **Exhibit 7** contains a true and accurate excerpted copy of the Rule 30(b)(6)
4 deposition testimony of FTC Assistant Director of the Enforcement Division Amanda Basta.
5 Exhibit 7 is excerpted to only include testimony that is relevant to this Motion.

6 11. **Exhibit 8** contains a true and accurate excerpted copy of the FTC's Supplemental
7 Responses and Objections to Amazon's First Set of Interrogatories, dated January 23, 2024.
8 Exhibit 8 is excerpted to only include the FTC's response to Amazon's Interrogatory No. 8,
9 which is the only information in that document that is relevant to this Motion.

10
11 I declare under penalty of perjury that the foregoing is true and correct to the best of my
12 knowledge.

13
14 Executed on this 31st day of December, 2024, in Newport Beach, California.

15
16 s/ Joseph A. Reiter
Joseph A. Reiter